

AFGHAN WOMEN AND CHILDREN
RELIEF ACT OF 2001

Mrs. HUTCHISON. Mr. President, we are all awaiting the bill that we have all worked so hard to produce this week, the Aviation Security Act. I will not speak about that act because, obviously, we have others who have worked very hard on the bill. We want to make sure that everyone is able to speak for or against it before we pass it. But the good news is, we are going to pass it.

I did want to take this opportunity, though, during morning business to mention a bill that passed last night. It is a bill that was cosponsored by every woman in the Senate. There are 13 women in the Senate. All of us cosponsored this bill. It is to make sure that the Congress speaks on the priorities that we believe are imperative as we give aid to Afghanistan, that women be included in that aid.

As so many of us know, the Taliban treated women especially cruelly, not allowing them access to health care. Not allowing a male doctor to see a woman effectively kept women out of the system because women are not allowed to work, and therefore female doctors are not allowed to practice under the Taliban.

In addition, women have not been able to go outside their homes without a male escort, so many times a widow would not be able to get the food necessary to feed her children or the health care for her children.

Women were not allowed to be educated under the Taliban, so we see 5- and 6-year-old girls who have had no education whatsoever because they have lived under the Taliban regime.

The bill that passed unanimously in the Senate last night spoke to those issues to say we want United States aid to be especially there for the people of Afghanistan as we rebuild the country.

We are seeing the Taliban flee. Thank goodness they are fleeing. But we want to make sure that we start playing catchup, that we give women and young girls the chance to be educated along with the young boys, that we bring women doctors in especially to give access to health care for the women of Afghanistan.

The mortality rate of children in Afghanistan is stunning. It is 25 percent. The mortality rate for children in that country is 25 percent. The major cause of that mortality rate, in the 21st century, is contaminated food and water. That is the most stunning statistic of all. In the 21st century, when clean water and uncontaminated food is universally available throughout the world, that 25 percent of the children would be dying from dysentery and contaminated food and bad water is just the saddest of all statistics.

So we do want to go in fast and try to stem the tide of the mortality of children and women, and make sure that young boys and young girls are treated equally in education, that women have a chance to participate in a new government that hopefully

would be a government of the people of Afghanistan that includes all of the tribes of that country.

I am very proud that the women of the Senate came together to speak especially forcefully on this issue. We did pass the bill last night. So I am very pleased that we were able to persuade Senator WELLSTONE to raise his hold on the bill, which I thought was an unfair hold. I did not appreciate that he would take a bill such as this hostage for another bill that he had, but, nevertheless, he did, and so it took us 2 weeks to pass a bill which should have been passed in minutes.

Having said that, I do want to say, I am very proud of the women of the Senate for coming together to highlight this issue, to speak with one voice, and to say that U.S. aid will always be there for women as well as men on an equal basis, for girls as well as boys on an equal basis.

So I am proud that we passed the bill. It now goes to the House Representative DEBORAH PRYCE is working with Democratic and Republican women on the House side to try to see that this bill goes through on an expedited basis to support our President in putting forth more aid for Afghanistan that will be equally distributed among the population.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and Mr. BOND pertaining to the introduction of S. 1717 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. DORGAN. Mr. President, if the Senator will yield, I ask unanimous consent that this Senator be recognized following the remarks of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that I be allowed to speak and use whatever time I may consume. I do not think I will go past 10 minutes.

Mrs. HUTCHISON. Reserving the right to object, it is not my intention to object except that I understand Senator DORGAN sought, by unanimous consent, to be recognized. The bill is now here. I ask unanimous consent that there be no more than 10 minutes for each of the speakers so that we can get to the bill in due course.

The ACTING PRESIDENT pro tempore. That is the current order. The

Senator from Montana sought to modify that order. Is there objection?

Mrs. HUTCHISON. Mr. President, I believe the Senator from Montana will agree to speak for no more than 10 minutes, as will the Senator from North Dakota. Do they agree to speak no more than 10 minutes so we can get to the bill?

Mr. DORGAN. I agree to that request. I also want to speak on the bill. I understand when the bill arrives there will be comments by the chairman, by Senator HUTCHISON, and others. I want to make a comment about the farm bill. In fact, I will be glad to keep that to 10 minutes.

Mrs. HUTCHISON. It is important when the bill is ready that we proceed to it so we can pass it back to the House to stay on time.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I understand the airport security bill is ready. I am going to be speaking on something else, but it is my intent to allow the committee to proceed so the Senate can consider this bill. I am going to speak on the airport security legislation, but I will make the remarks on the farm bill following this action.

AVIATION AND TRANSPORTATION
SECURITY ACT—CONFERENCE
REPORT

Mr. HOLLINGS. Under a unanimous consent agreement, I call up the conference report on the bill, S. 1447, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), "to improve aviation security, and for other purposes," having met have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of November 16, 2001.)

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 90 minutes of debate evenly divided between the chairman and ranking member.

Mr. HOLLINGS. Mr. President, I yield myself such time as I may consume.

I first want to thank Sam Whitehorn, who is now changing clothes to come to the Chamber, and Kevin Kayes. Both Sam Whitehorn and Kevin Kayes are on my Commerce Committee staff. They have been working hard all night

long, even with the breakdown of the computer at 5 a.m., to get these documents ready for consideration. They have been working over the past 6 weeks, ever since September 11.

Secondly, I thank the New York Times. The headline today is: "Congress Agrees to U.S. Takeover For Air Security." In a line, this will do more to stimulate air travel and rejuvenate the economy than any one single thing, and that is what we have been trying to do as well as institute safety.

I thank my distinguished counterpart, Senator MCCAIN, who has been sticking with us. We fought a good fight right down to the wire, and in a general sense we prevailed in that it is not a compromise on safety.

There is an old Roman canon, XII, *salus populi suprema lex esto*, "the safety of the people is the supreme law," and that is the way we approach this. We were not concerned about contractors; we were not concerned about flexibility; we were concerned about accountability; we were concerned about safety. There is just no way, and should not be, to compromise safety. That was the difficulty of this particular task.

It has been a long, hard road. I started on this effort over 20 years ago, back in the late 1980s with Pan Am 103, TWA 800, and on and on again. There were commissions, hearings, more hearings and commissions, standards, more training, more testing, more oversight, and on September 11 we ended up with criminals doing the screening and 5,000 dead.

So that sobered us up. Senator MCCAIN and I went right to work. We had a full day of hearings. We now have a measure before us in this conference report sought for by the airline pilots, the flight attendants, the Air Transport Association, the airport managers, the Business Airline Coalition, the mayors, the Governors and everyone else. The media have been wonderful in that respect because we have the people behind us.

They have said time and again they were willing to pay up to \$25 or more per ticket to get airline security. This is only \$2.50 with a cap of \$5 on any one flight.

But I think the people ought to understand what has been going on for years on end. The FAA thought its task was in the main to promote air travel and, on many occasions, sacrificed safety. For instance, the Inspector General attested before Congress the day before yesterday, less than 5 percent of the baggage is screened.

We have seen only today at Logan Airport they had to fire, or suspend, I should say, the security contractor because his screener went to sleep at the switch and they do not know how many people got through during that slumber. They had to call everybody back in from the planes and go through security again. Security lapses have persisted, but they will not persist any longer because we now have federalization.

At our hearing, we called in El Al. We had testimony from the Israeli security agency, the chief pilot of El Al. I can hear that chief pilot. He said: Senator, when we secure that cockpit door, and it is a secure-type door, it is never to be opened in flight.

He said: Even if my wife is being assaulted in the cabin, I don't open the door. I land that plane and law enforcement is there to meet me.

That has stopped hijacking at El Al. They have not had one for 30 years. All these folks running around hollering about the European model—in the last 8 years they have had 20. We didn't model this after Europe. We modeled it after El Al.

You can see the comprehensive nature, when you listen to their particular procedure. They not only screen the passengers and screen the baggage and everything else, but they have a double-check at the time of enplanement. They have a total background check and security of the tarmac itself. This approach prevents someone from getting a ticket, having their seat assigned and then calling some plant out on the tarmac that has been working there and say: Tape a loaded pistol on flight so-and-so, and go out there. So you have to use absolute care with the caterers, the mechanics, those who have access to the planes, and the perimeter of the airport itself. It is a sort of seamless web.

When the news media talks of compromises between the House and Senate—let me put it this way: There is no compromise on safety. That is my emphasis now. With respect to the particular items, since others want to be addressing the body at this time, I encourage Senators and the public to review the content of the conference report in the CONGRESSIONAL RECORD following passage by the House of Representatives.

Let me just say this. I will never forget it. We were taught at law school that Jackson told Marshall: The Court has made its decision. Let him enforce it.

I don't want to sound abrupt, but the Congress has made its decision. Now let the administration, the President, enforce it.

I say that advisedly because our Chief Executive has been all over the lot. That is one of the disturbances we had. We were told he would sign our bill that passed 100 to 0. Then they put the entire White House in behind Mr. DELAY, changing the votes, changing the votes over here on the Senate side. Although Senators just had voted as a group of 100, part of that group changed their votes and everything else of that kind. We had, momentarily, total chaos. Now the President says he signs it.

Let me make this comment: We can make it work. We are going to have oversight. We are going to keep their feet to the fire. But he has to put in a hard charger, a Stormin' Norman or somebody as the Deputy Secretary of

Security for Transportation. If you get a person of that ilk, he will come there and he is going to get the job done. But if it is going to be business as usual and worrying—as I heard the Secretary say in one of the conferences he had—he said: Wait a minute, now, if we have that kind of security requirements in Anchorage, we will lose the business in Anchorage and they will fly to Vancouver—literally.

I said: Come on, man, whenever they come to America, whether it is in Anchorage or down in Seattle or whatever, they are going to get this kind of check.

But you can see the culture, the mindset. So you have to have someone with a strong mindset as the Deputy Secretary of Security in this particular department to carry forward this initiative.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the distinguished chairman of the committee with whom I have worked many years on a broad variety of important issues. I have to say, and I think the chairman would agree, this is one of the more important issues that we have had the privilege of working on together. It has been a very long and difficult process—a very difficult process.

My distinguished chairman often quotes Latin. I would like to quote one back that would describe what we just went through: "Illegitimus non carborundum," which I will not translate for the RECORD. But the fact is, this was a tough process and we did come out with the paramount aspect of this challenge of safety being addressed.

The Senate bill, the major provisions, were adopted. I thank our colleagues on the House side who were faced with some very difficult pressures, too, who finally came to this agreement.

Madam President, this legislation will install air marshals where needed on airplanes. It will call for reinforced cockpit doors. It will authorize pilots to carry guns with the approval of the new Under Secretary and the area carriers. It will provide for a new independent security agency for all modes of transportation, with significant authority to expedite new technology. New technology is going to solve a lot of the problems that we have today with delays and problems with people being able to get on and off airplanes.

There will be uniform and rigorous standards. There will be a full federalization over 1 year of every airport in America, unless five choose to opt out, in five categories in America.

Law enforcement is a proper function of the Federal Government. Law enforcement will be carried out by Federal employees. That is the case in these airports.

What will the signature of the President of the United States do? It will do

two things: No. 1, on the substantive side we will begin a process, which will take at least a year, of increasing airport security, of putting in place procedures and individuals who will allow Americans much greater, dramatically enhanced safety and security in airports and on airliners.

But what else does it do? We all know the reality today is many Americans will not get on an airliner because they do not feel any confidence that they are safe and secure in doing so. When the President of the United States signs this bill and looks the American people in the eye and says we are now embarked on an all-out effort to do everything your Government can to make you safe and secure, I think that will have a major impact on the American people and will move forward in restoring the confidence of the American people.

So I think this legislation is both substantively and from perception a very critical piece of legislation. We all know that unless airline traffic and passengers are restored to previously levels, our economy is going to continue to suffer, not to mention the very vital security and safety aspects involved. Not everything that everybody wanted was in it, although I would certainly say we got about 95 percent.

As usually happens, sometimes we add things we should not. I want to take a minute to talk about it. There are some liability provisions which are put into this bill, some of them perhaps warranted, some perhaps not warranted, covering aircraft manufacturers, the World Trade Center, some limit on liability in New York City, et cetera. As I say, there could be some beneficial aspects of these provisions, but we should be addressing liability in its entirety. We should not be addressing liability on this issue. We need the appropriate committee—which I guess is the Judiciary Committee and also to some degree the Commerce Committee—to hold a set of hearings so we can address the entire liability problem associated with the attacks on September 11, rather than a rifleshoot approach.

Do you know why we are using a rifleshoot approach? Because people are hiring the lobbyists, and campaign money. People are coming into Washington; lobbyists are coming in. They bought their access and they are exercising their influence.

That is not a fair way to address the issue of liability, and there are legitimate issues. I am sorry those provisions were included in this legislation. I don't believe in raising anyone's taxes. I have voted literally against every tax increase in the number of years I have been a Member of this body and the other body.

There is an increase in costs associated with this airport security. We need to pay for this. The \$2.50 may not do it. It may not be enough. It may require more. We put a cap of \$5 so that someone who gets on an airplane that

has four stops doesn't have to pay each time. Yes, there are remote areas of America. There are remote areas of my State as well. There are poor Navajos who want to fly from Window Rock at Flagstaff to Phoenix, AZ, and then on to some other place.

We tried to make this fair. The fact is that everybody has to pay for it. It has to be paid for by all Americans. It is a cost for the increased security requirements as a result of this new war we are fighting.

I say to the American people and to the passengers that I think this is not a high price to pay when you look at the benefits that will accrue from the increased security and safety which are absolutely vital, as we all know.

I think we came up with a good piece of legislation. We on the Commerce Committee will review this legislation and its impact. It may have to be fine tuned in a variety of ways.

I am very pleased we came together on this issue. We have now done something which, unfortunately, took too long. But certainly it is now going to be signed into law and will be a very major step forward in providing security and safety to Americans, hundreds of millions of whom use the airlines every year.

I again thank Senator HOLLINGS and our staff for the bipartisan way in which the Senate acted.

I also thank Senator HUTCHISON, the ranking member, as well as Senator ROCKEFELLER, chairman of the Aviation Subcommittee, who played key and vital roles in the formulation of this legislation.

This is a new day. We had our differences. It isn't a perfect piece of legislation, but it is a landmark piece of legislation. I think, since the Congress acted, we should now move forward and try to do the best we can to make sure through congressional oversight that the intentions and the provisions of this legislation are implemented in as efficient and expeditious a manner as possible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Madam President, I would like to address a couple of questions to the Senator from South Carolina, if he will yield to me for that purpose.

I would like to ask the Senator from South Carolina: I note on page 52 that there is a provision regarding screening of small aircraft. It says that within 1 year after date of enactment of this act, the Under Secretary of Transportation for Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure in the House on screening requirements of passengers boarding and baggage carried aboard aircraft with 60 seats or fewer used in scheduled passenger service, and recommendations for any changes to meet these requirements.

As the Senator from South Carolina knows, my State uses an extensive number of small planes. Many of them have nine seats or fewer.

Can the Senator from South Carolina tell me what provision of this bill affects general aviation that is totally intrastate and that seats 19 or fewer? In the interim of 1 year, what applies to the small planes that board passengers only for small distances within a State?

Mr. HOLLINGS. Generally speaking, none. It does not affect the small planes with passengers. We would like to spell that out, but we haven't gotten into that thoroughly.

That is our problem right here, for example, with Reagan National's restrictions against private planes coming in, and these other airports around the country. We are trying to work that out. But we didn't think that was necessarily the particular safety threat at this particular time.

Mr. STEVENS. Madam President, as the Senator knows, our State has over 150 small airports, and people go distances of 100 or 200 miles and return, or maybe stop in several places along the line. If these planes do not interline with intrastate air carriers and are strictly local carriers, are they affected by this act?

Mr. HOLLINGS. I think we are trying to find the final wording because most of this was in the House bill. But the answer is, I think on the fee you are right; it would be. The FAA safety regulations still apply to general aviation. There has been no repeal of that in the takeover by the Deputy Secretary of Security. But the general aviation regulations are not disturbed here with respect to safety.

Mr. STEVENS. Madam President, let me say this. I have had extreme difficulty in dealing with this bill because I have just read it for the first time this morning—and the report. I have extreme difficulty interpreting it as it applies to small planes that are carrying mail and passengers between two places in Alaska, where they will never intersect interstate commerce and where they will never interline with anyplace that has any difficulty as far as being a threat to people other than people in very small villages going from place to place—from Bethel to St. Mary's, or from Bethel down to various places in the Yukon. I am going to have to go home and tell those people that they are affected by this bill.

I tell my good friend that I can't tell from the way this bill is written whether some of the small villages—some of which do not have screening devices—that the small commuters fly between have to have screening devices. Are they to install screening devices?

Mr. HOLLINGS. Shalom, peace. Tell them to just calm down for the simple reason that this affects the 420 hub airports and the other airports connecting with those hub airports. The Senator talks about 100 or so. I know we have

nearly 100. When someone gets into a political campaign in Texas or South Carolina, you have to travel back and forth on the plane. We don't have machines there to test the baggage, or Federal agents.

I want to answer as appropriately as I can. We are going to continue the safety. Small general aviators practice safety because their life depends on it. No, there won't be Federal marshals there. There won't be Federal screeners in all of those little airports, if that is what the Senator wants to get to.

Mr. STEVENS. Madam President, I ask my friend: They are required to buy a ticket to get on those commuters, and they pay the \$2.50.

Mr. HOLLINGS. If they come right into that hub.

Mr. STEVENS. Madam President, I cannot find any exception here for those flying between villages and not a hub. They are going to have to pay.

Mr. HOLLINGS. There is language in the bill whereby they do not connect with the hub, for example, in Alaska. You can lower that fare in those airports.

Mr. STEVENS. Are the hubs covered named in the bill?

Mr. HOLLINGS. No.

Mr. STEVENS. They are named in the Federal Register.

Mr. HOLLINGS. Yes.

Mr. STEVENS. The current designation is not changed by this bill.

Mr. HOLLINGS. It is not changed.

Mr. STEVENS. I thank the Senator. I regret that I did not sign the report. I did not have access to this report, nor to the bill.

I still have to say to the chairman—I have great respect for him—in terms of the requirements for safety, that there are a great many places in the country, as the Senator from Arizona stated, where passengers who are not destined for a hub and are not destined for areas where the safety of passengers getting on and off is concerned, and baggage is immaterial, and if they are going from Nome to Alakanuk or to Shishmaref, or somewhere up in the village country in my State, I am afraid someone might interpret this as having them be required to pay for security which they don't get, and pay for or be subject to these requirements which they don't need.

I have to tell you, I hope we can review this sometime in the future in a way to listen to some of these people who operate commuter airlines where they may intersect a hub. We have two or three hubs in Alaska defined on the Federal Register today. They may intersect a hub, but they do not go through the screening now. And I am not sure this bill requires them to go through screening they never had to go through before to go from place to place in Alaska.

Mr. HOLLINGS. It does not require that, and there is no charge there.

Mr. STEVENS. I thank the Senator and appreciate the courtesy and apologize to the Senator from Texas.

I have no objection to proceeding with the request.

Mr. HOLLINGS. I yield such time as is necessary to the Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield up to 5 minutes to the Senator from Georgia, who has an airplane to catch, after which I would like to claim my time as one of the cosponsors of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. I thank the Senator from Texas, and especially thank her for the marvelous work on the bill, as well as Senator Hollings and Senator McCain and Senator Rockefeller.

Madam President, this body is about to vote on an historic piece of legislation that will put in place new safeguards at airports across this land from Savannah to Seattle to Sacramento as families prepare for the biggest travel day in the Nation, they can feel assured airport security will be strengthened nationwide the very moment President Bush signs this landmark legislation into law.

Aviation security will now be in the hands of the U.S. Department of Transportation where it belongs. The Federal Government will immediately begin the process to hire, train, and deploy Federal screeners, Federal security personnel, and Federal law enforcement—a move supported by 80 percent of the American people.

We will finally have in place strict national standards for the hiring and training and job performance of the men and women who are on the front lines of ensuring that we have safety in aviation in America.

Ever since the tragic events of September 11, the American public has been crying out for tougher security to ensure that the horrifying events of 2 months ago will never again be repeated. This bill is our response to that call. It is a comprehensive bill, a tough bill, which helps ensure the financial viability of the airline industry and restores confidence to the flying public.

I am proud to support it. I am proud to be an original cosponsor.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, on September 11, the terrorists found loopholes in our homeland security. Four airplanes were used as weapons of mass destruction, something we had never seen in our country. Now, 2 months later, we are closing these loopholes in our homeland security. The bill we are passing today will close the loopholes in aviation security so the people of our country, when they get on an airplane, will know every conceivable means of securing that aircraft are being utilized.

The bill before us today will create a comprehensive Federal system. There will be Federal screeners. There will be Federal supervisors who are armed law

enforcement personnel. There will be a Federal person in charge of every airport in our country to look at the safety system, to make sure it works.

After a 2-year period, we will then have the option for other types of security to be offered by an airport and approved by the Secretary. So there can be private screeners or local law enforcement people working in a security system with the approval of the Under Secretary.

We will have a pilot program in each of the five major category airports: Category X, categories 1, 2, 3, and 4, that will be all privatized so we can test that system to see if it works. Then, after 2 years of the federalized system, perhaps there will be airports that would prefer to have some privatization.

Another element of this bill that closes a loophole is that every checked bag will also be required to be screened. As soon as possible, but no later than 60 days, by some means, every checked bag will also be screened so that if you carry a bag onto the top of the airplane, it will be screened, if it goes on the bottom of the airplane it will be screened. I think that was an important loophole to close. It was my amendment to the bill. I felt very strongly about this.

We are also asking the Department of Transportation to expedite the manufacturing of the highest tech equipment possible for the screening of these bags. EDS is the code name for this electronic detection of explosives. We are going to make that a priority as well.

We are reinforcing the cockpit doors. We know the cockpits were invaded on September 11. We know that no American pilot would have flown an airplane into a building—not one. That is what they are trained not to do, and they would never do it, but for being overcome and murdered by these terrorists, who did indeed fly into the Pentagon and into the World Trade Center.

So the key elements of this bill are going to greatly strengthen our aviation security system in our country. A lot of people have asked me: Are we going to see a difference immediately? We already see a difference immediately. We are seeing people deployed from other agencies, such as the National Guard, who are standing at every screening area at every major airport in our country.

What will happen with the bill before us today is that those National Guard units that have been deployed will be substituted with permanent personnel, permanent Federal law enforcement personnel, armed Federal security supervisors. So we will see an immediate change, but we will also see these changes being made permanent.

As we phase the National Guard out of their temporary locations, we will be putting permanent Federal law enforcement personnel in their places.

We have now detailed air marshals from other agencies. We have FBI

agents. We have Border Patrol agents. Other detailees from other Departments are now acting as sky marshals. We will start replacing them with permanent replacements so there will be more sky marshals on more flights throughout our country and on international flights into and out of our country. They will be permanent Federal law enforcement personnel that will be replacing the people who have been borrowed from other agencies.

So we are going to see immediate changes. We are going to see changes made through the next few weeks, through the next few months, to make permanent these people who have come from other agencies to lend a hand, to add to the security on an immediate basis. We have also added to what is going to be screened.

Another component of our bill is to require that everybody who has access to an aircraft will have a security clearance. There will be a criminal background check required for every person who has access to an airplane. Whether it is a mechanic, whether it is a person doing food service, regardless of their mission on that airplane, they will have to have a security clearance. That is another very important feature of this bill.

So I think we have made great progress. I thank Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, and others who helped—Senator BURNS, Senator KERRY—for coming together and working through this very difficult piece of legislation.

I thank Chairman YOUNG on the House side, and the chairman of the subcommittee, Chairman MICA; and Mr. OBERSTAR. These are people who contributed greatly to coming together and getting something that I believe is going to significantly improve the security of the flying passengers in our country.

I think it is going to tighten many of the loopholes that we had in our system before September 11. No longer is the American flying public going to rely on the honesty of every person who gets on an airplane. I think we have had to become a little less optimistic in our outlook, and now we have to provide for concrete solutions. We cannot just rely on the good will of every person in the world. We are going to have to protect our people. That is what homeland security is, and that is the function of the U.S. Congress.

In the Constitution of our country, we are required to provide for the security of our country.

Security is not something you can contract out to the lowest bidder. Security is not something you can take a chance and hope that maybe we can devise a system that we can maybe make work. That is not an option for the Congress.

We have one option. We have one responsibility. That is to provide the security to the people of this country who are flying in airplanes and believing that everything has been done to make them safe.

The bill before us today, that we will pass very shortly, is a bill that is going to secure the people to every human extent possible against the kind of terrorist attack we saw on September 11 or other terrorist attacks that could be made in other ways. We are securing the top of the airplane. We are securing the bottom of the airplane. We are securing the cockpit of the airplane. We are securing the airports through which people go.

We are going to beat the terrorists. We are going to secure the people of our country so we can travel in freedom. That is our responsibility. We are doing it today.

I thank Chairman HOLLINGS once again and Senator MCCAIN, all those who came together, along with my staff, Joe Mondello, who contributed greatly, to the staff who stayed up all night last night who could barely even make it here this morning because they were taking a shower after trying to make sure that this bill was written.

I thank everyone who contributed so much to doing this for the American people, something they deserve and something we are giving them today when we pass this bill to the President of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, we will agree to the conference report to accompany the airport security bill in a few moments. It is a terrible thing; I lost my voice. That is fatal for auctioneers and for those of us who try to make a living in the cave of the winds, which is this Chamber, but I will try to get through. I will make my points as quickly as I can.

We had an opportunity to pass a good bill, and I think we have a bill. I will pledge to my colleagues in this Senate and also to the flying public that I will do everything I can to make it work because we have spoken.

If we really wanted to maximize security at airport facilities across the Nation, we took a wrong turn in this bill. That is what we do. I offered an amendment to allow the bright line of accountability, authority, and responsibility of jurisdiction of enforcement of those laws to reside with the Department of Justice. When I offered that amendment, it was immediately accepted by a voice vote. No debate was held on that part of the bill. Some of that was my fault because we were trying to deal with the bill and move it through the Senate.

As we consider this legislation, I ask the question: Whom are we trying to protect? I will tell you whom we protect more than anything else. We protect Government jobs. We are building up a bureaucracy within the Department of Transportation to which even the Congressional Budget Office cannot put a figure. We do not know what this is going to cost yet.

What happens after we pass this bill today? The rules of administration will be written. That will take considerable

time. Those of us who are concerned about this bill were told we had to pass something before Thanksgiving because Thanksgiving is the most highly traveled time of the year. I suggest we are not going to have any more protection this Thanksgiving, and I am not sure we are going to have the protections in place next Thanksgiving.

If we try, as a legislative body, to suggest to the rule writers how we want the bill to work, we will be given the old story of separation of powers, that we cannot do that. So now it goes into the hands of the bureaucrats who have a habit of writing the rules for their benefit and sometimes disregarding the real reason why we passed the legislation.

Every time one flies, they are going to be charged to pay for this big bureaucracy, and every taxpayer in this country will also be paying for it.

Why did I decide the Department of Justice is better than the DOT in the areas of enforcement? I will say why. It is enforcement. Before we can expect load factors to go up and return to the levels prior to 11 September, the flying public must feel secure and safe. Symbolically, for no other reason, I suggest the Department of Justice do that.

Let us take a look at the areas of responsibilities and the challenges ahead of us: passenger lists, intelligence, baggage and cargo, check-in areas, boarding areas and, yes, the security of the aircraft. All personnel who have anything to do with maintenance, cleaning, fueling, or catering must be screened.

These are challenges of great dimension, and it is a big job ahead. Yes, we are asking to build a new bureaucracy in order to take care of this. Who is best equipped to handle that challenge? I suggest the Department of Justice because they have the intelligence in front of them and they know how to handle secured areas.

Who deals with security every day and has the experience to do it? Who can best be put to work the quickest and have people on the ground doing the business the fastest, without creating a new bureaucracy? The model is in front of us.

As we discussed, this was not allowed to be discussed in conference, either. There was no debate so the American people were not given a real choice between a new bureaucracy and a bureaucracy that is already in place.

How are we going to pay for it? I will leave with this thought. Again, I will pledge my support to make sure this law works. It would be unwise to be any other way.

We have come through the World Series, a great World Series, and we watch football almost every day on our television sets. Do you know what makes that game a great game and why it garners all the spectators? It is because we do not let the teams referee their own games. In football, there are 22 men on the field, the most heavily armored, mobile, hostile, bent on killing one another, and 6 old men in

striped shirts have very few problems. Why? One, because there is only one rule book, and No. 2, we do not allow them to referee their own games.

I contend we are making a big mistake. I did not sign the conference report, but I will pledge to make sure the law works. I also warn my colleagues we will be back in less than a year to deal with this problem again.

I yield the floor.

Mr. HOLLINGS. I yield to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I add my appreciation for the work of the Senator from South Carolina and Senator MCCAIN of Arizona. As chairman and ranking member of the Commerce Committee representing our side on this issue, they did outstanding work.

We do big and small things in the Congress. This is a big thing. This isn't testing the water. This is making waves. This is really a profound change in many ways with respect to security on airlines that serve our country.

I rise to talk a bit about some of the things we are doing and why.

First the why. We know that September 11 caused great concern among the American people about the risks of taking airplane flights. They saw jetliners used as bombs, as missiles full of fuel, taking down two of the largest buildings in our country.

The site of that kind of tragedy, that act of mass murder, that terrorism has persuaded many Americans to feel queasy and jittery about flying. What kind of security exists with respect to the airlines?

Then they read in the newspaper in recent weeks stories about a person who comes to an airport in Chicago and is screened. They discover two knives on the person. They send the person to the boarding gate, and they do an enhanced screening there. He has seven more knives, a stun gun, and a can of mace. People ask: How can this happen? It further erodes the confidence of the American people with respect to security.

In the last couple days, a fellow with two meat cleavers gets through a screening process. Here we have nine knives, two meat cleavers, a can of mace, and a stun gun. The other day a woman is discovered to have a .22-caliber pistol in her purse. After she gets through the screening process, she says: I don't understand that. I got it through when I took other flights. She is walking through screening in other circumstances with a loaded .22-caliber pistol.

Does it give people pause? Of course, it does. The screening that has existed by some of the companies has not been good at all. One of the companies named Argenbright was fined by the U.S. Government \$1.5 million, put on probation and then violated their probation, hired people with criminal backgrounds, didn't train them prop-

erly, certified to the Federal Government false documents. It does not work. We know that.

The question confronting Congress is, What do we do to give people some confidence about the system? The answer is obvious: improve security. How do we do that? This legislation puts sky marshals on airplanes in significant quantity. That gives people some confidence. It strengthens the cockpit doors, requiring airlines to take action to do so. That will give people some confidence, especially with respect to baggage screening, airport perimeter security, and a range of other things.

This legislation says what we have been doing has not worked and we will do it differently. This establishes a process by which we have uniform standards. We will hire Federal screeners at airports. They will be managed and trained effectively and consistently. They will provide a level of security the country deserves and needs.

Let me mention that in this legislation is a provision I added which I have been trying to add for some long while. It will finally become law with the President's signature. It deals with something called the advanced passenger information system. I have added it to three bills in the Senate. It has been kicked out because of jurisdictional disputes with one of the committees of the House of Representatives. I put it in this bill, and it will be signed by the President. It is going to get done.

What does that mean? It means that airlines bringing people into this country as guests of ours with visas must provide us advanced passenger lists of who is coming so we can run those lists of passenger names against the FBI list, against the Customs list, and 21 Federal agencies that have lists about people that we don't want coming into this country, those who are terrorists, known or suspected, that we don't want to allow into this country.

We have had, since 1988, something called the advanced passenger information system. Most airlines around the world comply with it. When they land in the United States prior to coming here, they have given us an advanced list of who they are bringing to the United States as guests with a visa.

Some airlines have refused to comply. Some airlines refuse to comply with this voluntary system. Let me share which airlines: airlines from Pakistan, Saudi Arabia, Egypt, Jordan, Kuwait. Do we want to know the names of passengers coming from those countries? You bet your life we do.

I have proposed an amendment that is now in this legislation that will require the advanced passenger lists be sent to this country. Our message is very simple: Do what all the other airlines have voluntarily done since 1988 or land somewhere else. Don't land in the United States. If you want to land here, send us the advanced passenger list of who is on the airplane so we can run them against the 21 Federal law

enforcement agencies to see whether there is a passenger on this flight or that flight that is a known or suspected terrorist or someone who associates with terrorists who we have decided we will now not allow to visit the country.

It is sensible. It should have been done before. It was not. As I said, this is the third time I have put it in legislation, and I put it on two other appropriations bills.

This bill is going to get signed by the President of the United States. Finally, this will be done. It is not a small matter. It is a big issue and an important piece of adding security with respect to this legislation.

Mr. HOLLINGS. Madam President, I particularly thank the Senator from North Dakota and his staff. They worked with us around the clock. That is why we are here today.

I yield to the distinguished Senator from Virginia.

Mr. WARNER. Madam President, great credit goes to our distinguished colleague from South Carolina for his chairmanship and leadership to get this piece of legislation through, as well as our distinguished ranking member, Senator MCCAIN, and Senator HUTCHISON, who have worked hard to get this done.

I want to make two points. Virginia was struck in this tragic episode on what is referred to as 9-11, September 11. As a consequence, National Airport was closed down and still is operating at less than half capacity. The economic consequences to our area in Northern Virginia has been very substantial.

Senator ALLEN and I, together with other members of the Virginia delegation, are working to do our very best to provide funding for the people who have suffered as a consequence of closing the airports down. I have followed this debate and I, again, congratulate our chairman for the manner in which he and others conducted that debate on the floor of the Senate, and for the strong vote they had for their bill, and for the fact that much of the Senate bill has survived this important conference. But in the course of this debate, I think mainly in the other body, there were inferences raised that Government employees were perhaps not first-class citizens but second-class citizens. I resented that. I am privileged to represent many of them, and I myself have had about eight or nine different Government positions in my lifetime.

I have often said I am privileged to be a Senator because of the training and so forth I received from many of my supervisors in the course of long Government service. The Federal employees are a very valuable asset to the United States of America. Now this piece of legislation even trusts to them the safety of our passengers. I believe they will live up to this challenge and that there will be no basis for ever saying that Government employees are

second-class citizens. They are first class just like the rest of us.

Again, I am talking about any number of Federal people who are working throughout our system, whether it is the FBI, U.S. Marshals Service, and all types of people who have provided security.

I am very pleased House and Senate negotiators have reached agreement on an airline security package to fully federalize security at every airport in the United States.

By approving this conference report today, the Senate is saying to the American people that the Federal Government is doing everything in its power to protect them when they travel by air.

While this agreement is not a total solution to our aviation security problems, it is a strong first step.

The problems with the current private security system are well documented and I will not repeat them here.

Suffice it to say the current system is not giving the American people the protection they need in this era of terrorist threats, and I believe the action the Senate is taking today is the type of bold action necessary in these times of uncertainty.

In every area except passenger and baggage screening at airports, protecting the public is performed by sworn law enforcement officers. Local police and sheriffs protect our cities and neighborhoods, State troopers patrol our highways, the FBI fights crime and prevents terrorism nationwide and the U.S. Border Patrol guards our borders. Why should passenger security at airports be a glaring exception to this rule?

Federal Air Marshals are protecting passengers in the air.

U.S. Customs agents conduct passenger and baggage screening for international flights to prevent contraband from entering or leaving the country.

U.S. Department of Agriculture agents inspect baggage for dangerous plants and animals at our airports.

U.S. Immigration and Naturalization Service agents monitor foreign nationals entering the United States at our airports.

U.S. Drug Enforcement Agency agents search for illegal drugs at our airports.

Why shouldn't Federal law enforcement perform other security functions at our Nation's airports?

With the economy potentially heading for recession and the airline industry on the verge of bankruptcy, the U.S. Government must do all it can to revive the air transportation system.

We have already passed the Air Transportation Safety and System Stabilization Act. This important legislation provided \$5 billion in capital and \$10 billion in loan guarantees to keep the airlines financially viable.

Now we are taking the next step which is to restore public confidence in the security of our aviation system.

I thank the chairman and ranking member and others for this opportunity.

Mr. LIEBERMAN. I rise to support the conference committee report on aviation security and, particularly, to congratulate the chairman, Senator HOLLINGS, the ranking member, Senator MCCAIN, and all of the members of the committee and their staffs who have worked so hard to bring about this very critical result today.

Since September 11, when we saw the worst of human nature in those who attacked us, I think here in America we have seen the best of human nature. That is particularly so in the unity that we have all felt among the American people and that unity that has been reflected in the Congress of the United States as we have worked with more nonpartisanship over a sustained period than I have seen in the 13 years I have been privileged to be a Senator.

Until this morning, the one unfortunate exception to that was the critical area of aviation security, where the Senate, I am proud to say, acted more than a month ago and stood shoulder to shoulder in, again, a nonpartisan fashion to adopt 100 to 0 a strong aviation security bill. Of course, what followed was a different approach in the House. Time went on, and now more than 2 months ago our aviation system was used by terrorists to strike a terrible blow at our people. But, happily, the gap that existed between the Senate and the House has now been closed in a most positive fashion.

I cannot thank the chairman of the committee, Senator HOLLINGS, and all who are on it, enough for the persistence to principle and what would be effective here when there could have been compromises that would have gotten a bill passed earlier, but really would not have done what the American people want us to do, which is to make flying just as safe as it can possibly be.

I say to Senator HOLLINGS, who has had an extraordinary career in the Senate, I think this is one of the high points today. It is something that will not only protect the traveling public for years and years to come, and protect literally the lives of the American people, but also at this moment in our economic history, when our economy is certainly sliding in recession, he has brought to the Senate and helped us to pass today a bill that will probably do as much to stimulate our economy as most parts of that economic stimulus plan that we haven't quite yet agreed on—maybe more than all of them—because air travel is so critically important to our commerce and particularly important in the areas of the country that rely on tourists.

I congratulate the leaders of the committee and say just a few words about the bill and why I think it is so critically important. The Senate Governmental Affairs Committee, which I am privileged to chair, has held two oversight hearings on aviation security

since September 11. One was on September 25, and the other was on this past Wednesday, November 14. The picture that emerges is that for too long, and with too many warnings from the GAO, from the inspector general at the Department of Transportation, from Members of Congress and committees of Congress, we lowered our guard; we allowed such weaknesses to persist in our aviation security system that created the vulnerabilities that the terrorists took advantage of, with the dreadful consequences on September 11.

The measures that have since been taken have definitely improved the situation. The measures that are called for by this legislation we passed today will not only make aviation security so much stronger, but as I look back, and considering the two oversight hearings our committee has held, I would say that if this legislation had been in effect before, it would have been very hard for the terrorists to have done what they did on September 11.

Let me mention a few of the weaknesses in the system that our hearings showed. This one struck me. It just came out 2 days ago at the hearing. We asked about the bomb detection equipment that is in some of our airports, how much of the baggage that is checked on to the planes is scanned for bombs. The inspector general, Mr. Mead, of the Department of Transportation stunned me by saying that today, 13 years after Lockerbie, and more than that after the earlier hijackings, less than 10 percent of checked baggage nationwide is being screened for explosives prior to being loaded on the aircraft. Of course, we all know and have heard screeners are underpaid, overworked, and undertrained. Screening, therefore, has been haphazard.

The technologies being used for the screening and other identification functions at the airports are outdated. Some machines—bomb scanning particularly—are sitting idle at airports. In one test done about a year ago by the inspector general of the Department of Transportation to see how secure the allegedly security areas of the airports were, more than 80 percent of his testers got through to the behind the scenes parts of the airports, where they were not authorized to be, and where so much critical to the security of the planes goes on. Obviously, the cockpits were unsecured. Database connections between law enforcement agencies, the FAA, and the airlines were minimal or nonexistent.

A recent spot check just last weekend, Veterans Day weekend, of bomb inspection machines at selected airports in the country, found that fewer than 30 percent of the machines were in continuous use, despite an FAA directive ordering more usage.

Again, just last weekend, more than 2 months after September 11, screeners at passenger checkpoints were observed leaving their checkpoints while passengers were passing through. The system was plagued—and, unfortunately,

still is—by tremendous inconsistencies in the level of scrutiny across airports and even within airports.

Every one of these problems can be, and I believe will be, solved by the legislation we will adopt today. I particularly thank Senator HOLLINGS and the Commerce Committee for the accepting two amendments offered by three members of the Governmental Affairs Committee.

Senator DURBIN and I offered an amendment that, among other things, provides \$50 million a year for the next 5 years to speed up research and development of airport technology so that the public can be better protected. It creates a 6-month effectiveness assessment and a 12-month deployment of improvements to methods of preventing unauthorized access to sterile areas of the airports—that is, those areas the public is not supposed to go—including biometrics, increased surveillance, airport exit systems, and prevention of so-called piggybacking.

It expands the use of computer-assisted passenger prescreening to trigger additional screening of passengers and their carry-on items.

It adds \$20 million for long-term research and development.

That is the amendment Senator DURBIN and I offered.

Senator THOMPSON offered an amendment which was accepted by the committee that deals with performance standards being regularly applied to aviation security. It is up to us to pay attention to the application of these standards, and the Department of Transportation will report to us how well the airports and airlines are achieving what we want them to achieve and what is expressed in this legislation. This is an extraordinary step forward. It shows that we have learned the lessons of September 11.

Finally, this bill sets a standard for us as to what we must do regarding other parts of our critical infrastructure. We naturally have focused on the aviation system because that is where we were hit and hurt so badly on September 11. But I fear that similar vulnerabilities which we found in aviation security will be found in other forms of our transportation system or hubs in other forms of transportation, utilities, communications, cyberspace, and financial systems on which we all depend. I could go on and on.

Basically, this is the urgent work with which Governor Ridge and the Office of Homeland Security has to deal, with the help of Congress.

A high standard of public service and public protection has been achieved in this conference committee report. Again, I extend my sincere thanks to Senator HOLLINGS, Senator MCCAIN, and all who worked to make this happen. They have advanced the security of the American people and the well-being of the American economy. I thank them, and I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. There are very important inclusions in this airport security bill. They were made, in essence, by the distinguished Senator from Connecticut. The Governmental Affairs Committee worked with our committee, and we were glad to have his leadership in this regard. I thank him publicly for his good leadership which helped us get to this point.

TECHNICAL CORRECTIONS TO THE AVIATION SECURITY BILL

Mr. MCCAIN. Madam President, as is understood, we had a computer crash early this morning, the result of which was that a significant amount of agreed to text in this bill was lost. In order to meet filing requirements, the staff was forced to work quickly to reconstruct portions of the bill that had been carefully negotiated. Unfortunately, some mistakes were made in this process. In particular, I am referring to Section 145 of the bill, entitled "Air Carriers Required to Honor Tickets for Suspended Service."

It had been agreed to by all parties that the conditions under which air carriers would be required, to the extent practicable, to honor the tickets of passengers who had purchased tickets on other airlines would be: "Acts of war, terrorism, insolvency, or bankruptcy."

Unfortunately, in a drafting error, the language neglected to include the conditions for acts of war or terrorism.

I want to make clear, now, that I will ensure that these conditions will be included as part of a technical corrections bill before the end of the first session of this Congress.

I ask my colleague from South Carolina, will he join me in making this commitment?

Mr. HOLLINGS. Yes, I join the Senator in committing to ensuring that these changes will be included as part of a technical corrections bill before the end of the first session of this Congress.

ENSURING COCKPIT SAFETY DURING SMOKE EMERGENCIES

Mr. INOUE. Madam President, Senators HOLLINGS and MCCAIN have done an outstanding job of bringing this important legislation to a final conclusion. Hopefully, this measure will help fully restore consumer confidence in air travel and prevent any future use of airplanes as weapons of mass destruction.

This measure includes critical provisions to ensure cockpit security. In addition to the specific measures identified, this measure also authorizes the Federal Aviation Administration to take additional action as may be necessary to ensure the safety and security of the aircraft.

One additional safety concern that I wish to raise relates to potential threats caused by smoke in the aircraft, including smoke resulting from small incendiary devices which could affect the cockpit crew's ability to see and operate essential instruments to safely control and land airplanes.

I would like to take this opportunity to ask Chairman HOLLINGS whether the language in section 104(a)(1)(B) will authorize the FAA Administrator to consider whether safety and security procedures may be necessary to ensure the integrity of the flight deck during smoke emergencies.

Mr. AKAKA. Mr. President, I, too am concerned about aircraft safety during smoke emergencies and join him in his question.

In addition, I also commend Senators HOLLINGS and MCCAIN for their efforts to complete this important legislation and believe that this measure will help to restore confidence in air travel.

Mr. HOLLINGS. I thank the Senators from Hawaii for raising this important concern. Section 104(a)(1)(B) would authorize the FAA Administrator to take action as may be necessary to ensure the safety and security of the aircraft from smoke emergencies.

Mr. KOHL. Madam President, more than 2 months ago we witnessed the worst ever terrorist attack on American soil. The horrific sights of September 11, 2001, will be with us forever. Our Nation has come together during this difficult time and we will continue to strengthen our resolve in the days to come.

I am pleased that Senator HOLLINGS through his leadership and the hard work of his staff is able to present to the Senate this very important Aviation Security Act. Thanksgiving is just a few days away and millions of Americans will be traveling to visit family and friends. I am proud that we are able to return home and report to our constituents on the progress we have made in regards to strengthening our aviation security system.

The conference report before the Senate brings a safer and more secure aviation network for the thousands of Americans who fly every day. Tougher safety standards, federalization of screening of passengers and their luggage, increased presence of sky marshals on flights and strengthening of cockpit doors are just a few of the important measures that take us in the direction of a new Federal and comprehensive safety network for our airports. I am also pleased that all who have access to aircrafts will be required to pass a background check. We have reached this very important agreement and now these new regulations and safety standards must be implemented fairly and consistently.

Again, I congratulate Chairman HOLLINGS and Senator MCCAIN on their leadership on this issue and strongly support the conference report.

Mr. ROCKFELLER. Madam President, more than 2 months have passed since the horrific events of September 11, when we watched as our Nation's aircraft were hijacked and used against us as weapons of mass destruction. More than a month has passed since the United States Senate stood together and unanimously passed an aggressive, comprehensive Aviation Security Act, solemnly resolving that we

must never again see a day like the 11th because of inadequate security measures at our Nation's airports.

Today we keep that promise made to the American people: This aviation security bill is simply a huge win for passenger safety, in every part of the Nation.

The legislation we approve today will require numerous new security features, including full Federal law enforcement at all airports, expansion of the Federal Air Marshal program, and screening of all passengers, baggage, and employees.

This bill will revolutionize security at our airports and in our skies. Every person and every bag, at every airport, big and small, will be screened by Federal law enforcement personnel, no exceptions.

The traveling public want and deserve safe and secure airports and airplanes, and this legislation gives them the confidence they need to keep flying.

As we learned after the attacks on September 11, we can no longer ignore the security needs at our Nation's airports. We can no longer allow the lives of our citizens to be placed into the hands of private companies. Airport security is no longer just a transportation issue, it is a national security concern, and the Federal Government will now take on this critical responsibility.

Additionally, the bill requires dramatic security increases in and around airplanes. This includes the securing of all cockpit doors; screening of everything that is put on an airplane including (beverages, food, mail, etc.); background checks of every employee that services the flight, including catering company workers; and anti-hijack training for pilots and flight attendants.

I am extremely pleased to join in bringing to the Senate floor a final conference report that will so dramatically improve the safety of our Nation's skies. The road to final legislation has been harder and longer than the unanimous Senate vote may have led some to predict. That is, as we all know, because the House of Representatives passed an aviation security bill far different from our own, particularly on the question of whether screeners on the front lines of national security should be Federal law enforcement officers or private companies.

This final conference report resolves that issue firmly on the side of Federal law enforcement and represents a great victory for passenger safety. The American people deserve to be safe and to feel safe when traveling in our skies. Now more than ever, aviation security is national security, plain and simple. Like all other aspects of national security, it must be entrusted to Federal law enforcement personnel.

The House and Senate bills both contained a number of important provisions that we were able to quickly agree upon. As I stated earlier, we will

now move to fortify cockpits, dramatically expand the sky marshal program, provide flight crews with the best anti-hijack training possible, and ensure that every single bag, every person, and every item boarding a plane is screened. These steps alone offer an enormous improvement in aviation security.

In addition, we have agreed on a bipartisan and bicameral basis to "federalize" airport screeners and reorganize the Department of Transportation around security priorities. Federalization of the screening process is a necessary step in strengthening the flying public's faith in our Nation's air transport system. In many ways, the American people have shown their clear preference that the screening of passengers and bags become a Federal law enforcement responsibility. This conference report answers their demands and ensures that the safety of our skies is given the same priority as the safety of our streets and borders.

The Federal Government will implement a program to place law enforcement officers at every single airport screening station in America. These men and women will be public servants of the highest quality, having been subject to background checks, skill assessments, and intensive training in classrooms and on the job.

The 2 years after the screening system has been fully upgraded nationwide, the conference report provides airports the flexibility to consider bids from private screening companies. If an airport believes, and the Secretary of Transportation agrees, that a private company can offer security equivalent to that provided by Federal law enforcement, then they can choose that approach. Certainly, this will be a high hurdle, as well it should be. But this compromise represents the best of what America has to offer, the unquestionable competency and professionalism of our Federal law enforcement and the ability for individual airports to be responsible for meeting tough Federal standards by an alternative means.

In addition, we will allow the Department of Transportation to initiate a pilot program for privatizing screeners at no more than five airports, each in a different size category. Importantly, those airports must themselves seek to be part of this pilot program, the DOT cannot force a private company approach on anyone. This will give us a chance to evaluate and reevaluate what works and what does not. I welcome the opportunity to engage in a continuing review process, adjusting our original plan as necessary to make sure it works as well in the real world as we believe it will today. It certainly will not matter who manages security at our Nation's airports if we are not vigilant in maintaining the quality of the program once in place.

As chairman of the Aviation Subcommittee, I take real pride in the work of the conferees to reach a final

agreement on aviation security. I must also say, however, that I was disappointed that some of my House colleagues tried to turn this into an anti-government and anti-union debate. This bill is about safety, plain and simple. It has nothing to do with the size of government or unionization of workers.

In the end, national security prevailed, but the misplaced focus on unionization meant that the House would not yield on including the most basic rights of Federal workers: health care, worker's compensation, and civil rights and whistleblower protection. These critical matters are left to the discretion of the Department of Transportation, and it is my hope and expectation that the Secretary will have no choice but to offer a good package to fill so many positions so quickly. In fact, DOT has assured us that they will offer rights and benefits at least as good as those afforded other Federal workers, and I intend to hold them to that promise.

Finally, I want to emphasize that much of my effort on this bill, like all of the aviation bills I work on, was aimed at ensuring that rural communities have the best possible options for security and service. In the face of so many House proposals to federalize only at the large airports, and privatize only at the small airports, I held firm to the principle that small airports must be served by true law enforcement. Now, within a matter of months, all West Virginia travelers will have the security of Federal screeners, Federal supervisors, and Federal and local law enforcement on hand to protect them.

I urge all parties, public and private, to move swiftly to implement the new security measures as soon as the President has lifted his signature pen from the paper. The sooner the actual provisions of the law are implemented, the sooner the public's confidence will be restored. When Americans once again feel safe in the sky, we will have claimed a major victory in our war against terror.

Mr. KERRY. Madam President, I would like to be among the first to congratulate Senators HOLLINGS and MCCAIN for their leadership in getting us to this point. Without their leadership we would not have a conference report, so I thank them for their fine work.

The conference report that we have signed off on, and to which the full Senate is about to agree, is historic legislation. Our legislation will immediately put an end to the unacceptable state of airport security. Everyone knows the technical aspects of the bill by now. But our bill will, for the first time, guarantee uniformity in our Nation's aviation security. The bill creates a seamless web of improved security, so that passengers boarding a plane in Worcester will have the same level of heightened security as someone boarding a plane in Chicago. This

is critical to Americans in places where small airports are the norm. It would have been unacceptable to create a two-tiered system of security.

Our bill also provides accountability in aviation security. For too long the FAA, airports, airlines and private security companies have been able to point fingers at one another without any real improvements being made in security. The Congress has passed law upon law designed to improve things, but these laws never seemed to be fully implemented. That all ends with the passage of this legislation. It is my hope that a message has been delivered clearly to anyone with any security responsibilities at our airports. The Congress has empowered the Federal Government to make serious and lasting improvements in airport security. We have provided all the necessary tools to improve the screening of people and their bags. We must now use those tools to make the American people as safe as possible when they fly.

We have also placed, through passage of this bill, a renewed confidence in the Federal Government to perform vital national security functions. No one questions the superior job that the 36,000 men and women of the Coast Guard do in protecting our ports. No one doubts that the Customs Bureau does a fine job of inspecting trucks, planes and ships that unload cargo in the United States. But many people will be watching closely as Federal managers, supervisors and, ultimately, screeners, begin to protect our airports. They must know that the flying public will be watching them closely, and they must not fail.

Equally important as improving the quality of screeners, we recognize the need to improve the technology used in airport security. Technology can be a great ally to us, and this legislation places a great emphasis on investing in research and development. We authorize grants for the development of new technology to improve security. With new technologies, we enhance our ability to authenticate passenger and employee identification, our ability to control access to secure areas and the way we screen checked baggage.

Our bill dramatically improves the screening of checked baggage. We currently only screen about 3 percent of all baggage that goes into the belly of a plane. Our legislation will take immediate steps to screen all baggage for explosives, ultimately ensuring that all baggage is screened with the most sophisticated technology available. During debate on the Senate bill, I filed an amendment that would have required the screening of all checked baggage by 2005. This bill sets the deadline a year earlier. I believe that this is an extremely ambitious target, but it is one that we must be prepared to meet. The Congress must follow through by providing critical financial resources to help acquire and deploy explosive detection systems so that the Department of Transportation can meet this deadline.

Finally, I thank our House colleagues who were invaluable in brokering this deal. Chairman DON YOUNG and Ranking Member JIM OBERSTAR were key players in this process and the entire Senate must owe them our gratitude.

Ms. SNOWE. Madam President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance in the wake of the September 11 tragedy. As a member of the Senate Committee on Commerce, Science, and Transportation, and a conferee on the aviation security conference, I fought for the strongest possible enhancements to our existing system. I believe we succeeded in this endeavor.

Going into the conference, I felt we needed to confront the issue of federalization head-on, and I believe we have done that. We needed to send an unequivocal message to the American people that the government is taking control of security, and it is safe to fly. I believe we have accomplished that. When this bill is signed into law, the status quo is history.

The agreement before us will federalize virtually all security screeners. The Federal Government will take immediate control of the system. Once the Federal system has been imposed and we have had a chance to evaluate it, individual airports that meet strict federal standards will have the flexibility to deploy law enforcement personnel or contract screeners. This is very similar to an approach I had suggested to the conference committee leadership, under which all screeners would be Federal employees, and then after 4 years, a review of the system could be done.

The Federal Government will provide direct management and oversight, set strict new standards, ensure that they are followed, and will have the power to fire screeners who don't measure up to the standards. We won't have a system where anybody's financial "bottom line" is a competing priority with protecting the flying public. We will have a reliable, professional force of security screeners. This is what Americans have been calling for in airport after airport. And it is what they are going to get.

The system will be seamless. There will be no gaps in control or oversight. It will be uniform. The Senate version of the bill would have transferred control of the screening system to the Department of Justice. The conference agreement gives control to a new Transportation Security Under Secretary. I would have preferred that we vest this critical security responsibility with an agency with a historic law enforcement function. Nonetheless, passengers will know that they can count on the same level of security throughout the system, whether they are boarding at LAX, Chicago O'Hare, or the Portland, ME, Jetport. There will be no question about who is ac-

countable. And it won't be a private for-profit company—it will be the Federal Government.

Furthermore, this package meets the critical goal of addressing the interlocking rings of aviation security, from the perimeter to the airport to on-board security, because ultimately, the system is only as strong as its weakest link. It will address the gamut of critical issues, including baggage screening, additional air marshals, and cockpit security.

In addition to imposing Federal control on security screening operations, there are a number of provisions in the bill that I worked hard to secure. For example, the bill will ensure the screening of all checked baggage within 60 days, and all checked bags will be screened with highly sophisticated explosives detection equipment by the end of next year under the deadline set forth in the agreement, a top priority of mine.

The legislation will increase the number of air marshals as well. Shortly after the tragic attacks in September, I cosponsored legislation by Senator HUTCHISON to boost the Air Marshal Program, and I believe this is a critical step. It will ensure that any potential terrorist will know they could be flying with one or more armed marshals, trained to take control in the event of an attempted hijacking.

The bill provides for background checks for students enrolled in flight training. I introduced legislation to require background checks for foreign nationals seeking such training. A background check provision was included in the Senate bill, and a similar provision is included in the conference agreement. This will ensure that federal law enforcement authorities are alerted in the event that an individual with known ties to terrorist groups attempts to obtain flight training.

The bill also includes provisions I worked for directing the new Transportation Security Under Secretary, created in this measure, to focus on the critical mission of better coordinating all modes of transportation nationwide particularly in preparation for emergencies such as the events that unfolded on September 11. And I would like to thank Senators HOLLINGS and MCCAIN, in particular, for working with me and for their support on this important issue.

I am very pleased we were able to come together in a bipartisan way to send a comprehensive package to the President that will restore the confidence of the American people. Because the images of the unspeakable horrors of the recent terrorist attacks will be etched in our minds forever. When the "devil incarnate" hit the United States, he attacked not only America, but freedom-loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are voting on this bill today because, as we continue to mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile.

Our goal was to restore the confidence of the American people in the aviation security system. I believe the measure before us will accomplish that goal. The fact of the matter is, if the flying public does not have confidence in the security, they will remain reluctant to fly, with severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

We found common ground on a very complex issue, and I am pleased that both sides were able to come to agreement so quickly in the name of safety, to ensure that Americans have complete confidence in the men and women who form the last line of defense.

In the end, we did come together—as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the September 11 attacks, as we did on a financial relief package for the airline industry, as we did on counter-terrorism legislation—to develop an agreement to address the gaps in aviation security and restore the confidence of the American people in our aviation system. So I urge all my colleagues to offer a strong show of support for this important legislation.

Mr. SMITH of New Hampshire. Madam President, the Senate passed an amendment by myself and Senator CONRAD BURNS of Montana to allow for armed pilots as the first line of deterrence and the last line of defense for cockpit security.

The first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking.

The last line of defense, because, when all else fails, including the armed air marshals and the reinforced cockpit door, an armed pilot will be in the cockpit to defend the cockpit from terrorist hijackers.

The pilots support this amendment. The Bob Smith/Conrad Burns amendment had the endorsement of the Airline Pilots Association and the Allied Pilots Association. In addition, The National Rifle Association and Gun Owners of America supported the amendment. And most importantly the American people supported our efforts.

According to a draft provided to myself, section 125 of this conference report, titled flight deck security provides that the pilot of a passenger aircraft is authorized to carry a firearm if four conditions are met.

First, “the Undersecretary of Transportation for Transportation Security approves.”

The will of the Congress is clear that the Department of Transportation should approve a reasonable program to arm pilots.

Second, “the air carrier approves.” The air carriers should not use this provision as a veto to prevent properly trained pilots from using firearms to protect themselves and the aircraft from terrorism, that would be a mistake and would adversely affect air safety.

Third, “the firearm is approved by the Under Secretary.” It should be clear from this language that the Under Secretary of Transportation should approve a firearm, not a stun gun, not a taser, a firearm with approved ammunition that would not compromise the integrity of the aircraft.

The final provision of this section provides that “the pilot has received proper training for the use of the firearm, as determined by the Secretary.”

The Smith/Burns amendment provided that the agency “shall establish a voluntary program to train” and “make available appropriate training” for pilots.

I hope the Department of Transportation will utilize the many private organizations that provide excellent training in the proper use of a firearm.

My home State of New Hampshire has the Manchester International Airport and I know the passengers and pilots of New Hampshire are listening to this debate today.

On September 27, 2001, I met with New Hampshire pilots from United Airlines, Northwest Airlines, American Airlines, and Continental Airlines. Those pilots reinforced my belief that a firearm is appropriate to protect a commercial aircraft from terrorism. Airline pilots are crying out for guns to protect themselves, the plane and the passengers.

The Department of Transportation and the air carriers must be reasonable about this new law or Congress will speak again on the issue of armed pilots.

This legislation is a good first step and it is my hope and desire that the Department of Transportation will work with the air carriers to provide pilots with training to possess a firearm in the cockpit of commercial aircraft.

Please remember that we arm our Capitol Police with firearms, we arm our FBI and DEA with firearms, we arm our Air Marshals with firearms.

We also need to arm our commercial pilots with firearms. Armed pilots are a first line of deterrence and the last line of defense against terrorist hijackers.

We trust our commercial pilots to fly commercial aircraft, please give our pilots the tools to protect the cockpit of these aircraft from any future act of terrorism.

Mr. BAUCUS. Madam President, I rise today to address an issue of the utmost importance. While I am deeply committed to increased safety and security at our Nation's airports and on airplanes, I am greatly concerned about how that security is paid for in this bill.

While I commend Senators HOLLINGS and MCCAIN for this much-awaited, much-needed piece of legislation, I disapprove of putting the burden of this increased security on the passenger.

It's critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they're full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

As chairman of the Senate Finance Committee I am deeply concerned about restoring our underwhelmed economy. And securing our flying public is a giant step closer to securing our economy.

As important as that is, I am very unhappy to say that this otherwise excellent security bill as a ticket tax levied on airline passengers. A new tax.

I don't believe that this is the time to raise taxes. Consumers need tax relief—not more taxes. We're trying to pass an economic stimulus bill. I note that we don't raise taxes in that bill, we give folks tax relief. We're taking one step forward and two steps back in this Congress.

I enthusiastically supported the airline relief package Congress passed several weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have passengers to fly in their planes. Raising ticket prices surely won't help get people to fly.

In my State of Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of the security responsibilities, if makes perfect sense that the \$2.50 per passenger user fee be assessed to the airlines, not the passengers.

I'd like to close by once again voicing my concern about how we pay for this much-needed security bill. We need increased security in our aviation system. That is clear. What we don't need is increased costs for our flying public.

Mrs. BOXER. Madam President, I am pleased that Congress has finally acted on this extremely important issue.

Even if the terrible plane crash earlier this week wasn't necessarily terrorism, everyone in Congress had to feel in the pit of their stomachs that tomorrow it could be a bomb. Congress needed to act to ensure the American public that our Nation's aviation security system will be the best it can be or Americans will not fly.

On September 11, our Nation's aviation system was transformed into a terrorist weapon. The United States was caught off-guard. Sadly, with aviation security, we should not have been. That is why we needed to pass this legislation.

All four planes hijacked were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks.

That is why I am particularly pleased that this legislation will ensure that all high risk flights will have air marshals aboard them. And, the Secretary of Transportation is to give priority to long-distance flights—such as those targeted on September 11. That is extremely important for Californians.

I am also pleased that this legislation will allow airports to be reimbursed and to use grant funds to pay for security costs. Our airports have been hit hard to meet new Federal security standards. For example, between September 11 and the end of October, Los Angeles International Airport spent \$15.3 million on increased security costs. The funds in this bill will allow our airports to continue to operate our aviation infrastructure while providing the highest levels of security.

This bill also makes a significant improvement in passenger screeners. Federal law enforcement personnel will conduct passenger screening, instead of private low-paid workers. We could not allow the same companies to continue to be in charge of passenger screening.

This bill makes great strides forward in making our skies more secure and ensuring that the events of September 11 never happen again.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to elaborate upon the air travel security compromise reached yesterday by Congress—particularly the provisions in the bill that incorporate the amendment authored by Senator DURBIN and myself.

Consistent with the recommendations we made, the bill calls for the individual named to the newly established position of Under Secretary of Transportation for Security to, within 6 months, review and determine which immediately available new technologies can be used to more effectively restrict access to sensitive areas of our airports, including the tarmac, maintenance facilities, baggage handling centers and catering facilities. Such technologies may include biometrics, card or keypad-based access systems, and increased monitoring of emergency exit systems. The Under Secretary is directed to outline a strategy for deploying these technologies within 12 months at all major airports.

The bill strengthens our recommendation to ensure that all checked baggage is screened for explosives by requiring that, within 60 days, all bags be either checked or matched to a boarded passenger and that, by the

end of 2002, airports deploy equipment to detect explosives in all checked baggage.

To meet new and unprecedented threats without delay, we must as a nation harness the power of innovation to improve transportation security. That's why I was also pleased to see included in the compromise our recommended authorization of \$50 million in each of the next 5 years for the public and private sectors to accelerate development and testing of new aviation security technologies—including faster, better, and cheaper passenger and baggage screening equipment; systems capable of detecting components of weapons of mass destruction; systems for screening catering and cargo items; advances in training of security personnel; and new methods of "hardening" the aircraft in the event of an in-flight explosion.

As called for by Senator DURBIN and myself, the compromise also includes \$20 million for longer term research into state-of-the-art weapons detection systems, advanced biometrics, secure networking for sharing of threat information, and other groundbreaking technologies to prevent acts of terrorism in aviation.

I am also pleased to see included in the final bill my provision requiring criminal background checks of all currently employed airport security personnel. Given recent breaches of security and growing anxiety about the baggage screening process, Americans deserve every reassurance that screeners will be reliable and trustworthy.

I hope these measures and others begin to make the urgent and immediate improvements necessary to secure our skies for the American traveling public. With the holidays coming and the economy moving toward recession, this legislation could not come at a better time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are trying to get the bill over to the House as promptly as we can. I am prepared to yield back our time, if the Senator from Texas as well is willing.

Mrs. HUTCHISON. Madam President, our side yields back all time.

Mr. HOLLINGS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the staff and the distinguished Chair and wish all a happy Thanksgiving.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate

now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

The Senator from West Virginia.

FAST TRACK

Mr. BYRD. Mr. President, I stood in this place last Friday to warn Congress that we must not allow the administration to arrogate to itself the full authority to determine the trade policy of the United States, that we must not be asleep at the wheel as the one-sided trade jalopy goes rumbling down the fast track—the fast track. There we go again.

For what this Congress calls fast track, the administration uses the euphemistic term "trade promotion authority." Trade promotion authority—it certainly has an innocent enough sound. It is a sound that is rather sweet to the ears—trade promotion authority. But lift up the cover of this euphemistic term, lift the cover, just peep a little under it, and you will find the real villain: fast track, fast-track authority.

So last Friday I stood in my place here and said to Congress that we must not allow the administration to arrogate to itself the authority to determine the trade policy of the United States, that we must not be asleep at the wheel "as the one-sided trade jalopy" goes rumbling down the fast track. I was referring, of course, as I say, to the administration's request, its wolf in sheep's clothing request for special authority to negotiate trade agreements that would not be subject to normal rules of debate and amendment.

I was also referring to the penchants of Presidents, both Republican and Democrat, in these more recent years to offer our trading partners unilateral concessions in exchange for the mantle of global leadership. As Jackie Gleason used to say, "How sweet it is"—to wear the mantle of global leadership.

The news from Doha, Qatar, confirms my worst fears. According to the Wall Street Journal, our trade negotiator, Ambassador Robert Zoellick, "led the way in making extraordinary concessions to developing countries," including "agreeing to renegotiate America's anti-dumping laws."

I quote a little further from the Wall Street Journal news story.

U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a World Trade Organization deal, Mr. Zoellick would have to make concessions to poor countries that would so infuriate Congress that lawmakers wouldn't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to